

§539.—On return to the appeal, what to be done.

When the return is made, the Clerk of the appellate Court, if the judgment exceed twenty-five dollars, exclusive of cost, shall docket the case on his trial docket, for a new trial of the whole matter at the ensuing term of said court. If the judgment be for twenty-five dollars or less, exclusive of costs, he shall forthwith transmit the papers, proceedings and judgment to the Judge of the District, who shall hear and determine only the matters of law therein, and send his decision thereon to the clerk of the appellate court.

§540.—Appeal, on what heard.

The appeal shall, in all cases, be heard on the original papers, and no copy thereof need be furnished for the use of the appellate court.

§541.—Execution of the judgment, how stayed.

If the appellant desire a stay of execution of the judgment, he may apply, at any time, to the clerk of the appellate court for leave to give the undertaking, as provided in the next section; who shall, upon the undertaking being given, make an order that all proceedings on the judgment be stayed.

§542.—Same, undertaking to be given.

The undertaking shall be in writing, executed by one or more sufficient sureties, to be approved by the clerk of the appellate court making the order, to the effect that if judgment be rendered, against the appellant, and execution thereon be returned unsatisfied, in whole or in part, the sureties will pay the amount unsatisfied, together with all costs awarded against the appellant.

§543.—Same, delivery and service of order, on whom.

A delivery of a certified copy of the order mentioned in section five hundred and forty-one to the Justice of the Peace, shall stay the issuing of the execution on the judgment; if